

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Winter Sports Inc.
PO Box 1400
Whitefish, MT 59937
2. Type of action: Application to Change an Water Right 76LJ 30131285
3. Water source name: Unnamed Tributary to Haskill Creek (Commonly referred to as Haskill #1)
4. Location affected by project:

- N2 Section 1, Township 31N, Range 22W, Flathead County
- N2 Section 2, Township 31N, Range 22W, Flathead County
- S2 Section 25, Township 32N, Range 22W, Flathead County
- E2 Section 35, Township 32N, Range 22W, Flathead County
- Section 36, Township 32N, Range 22W, Flathead County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant is proposing to change three water rights that historically provided water for snowmaking on Big Mountain. The Applicant is proposing to change the point of diversion (POD), place of use (POU), purpose of use, and places of storage. The purpose of the change proposal is:

- change the place of use to reflect the existing and proposed places of use for commercial (snowmaking) use and the place of use for a fishery purpose.
- Change (correct) the point of diversion associated with each water right to the location of the existing diversion structure on Haskill #1.
- Change (correct) and add places of storage to all water rights proposed for change.
- Add a fishery purpose for Pond #1 to all water rights proposed for change.

The purposes will be fishery use in Pond #1, located in the SENWSW Section 1, Township 31N, Range 22W, Flathead County, and commercial use for snowmaking at the ski resort. The proposed place of use for snowmaking will include:

- N2 Section 1, Township 31N, Range 22W, Flathead County
- N2 Section 2, Township 31N, Range 22W, Flathead County

- S2 Section 25, Township 32N, Range 22W, Flathead County
- E2 Section 35, Township 32N, Range 22W, Flathead County
- Section 36, Township 32N, Range 22W, Flathead County

The proposed places of storage will include:

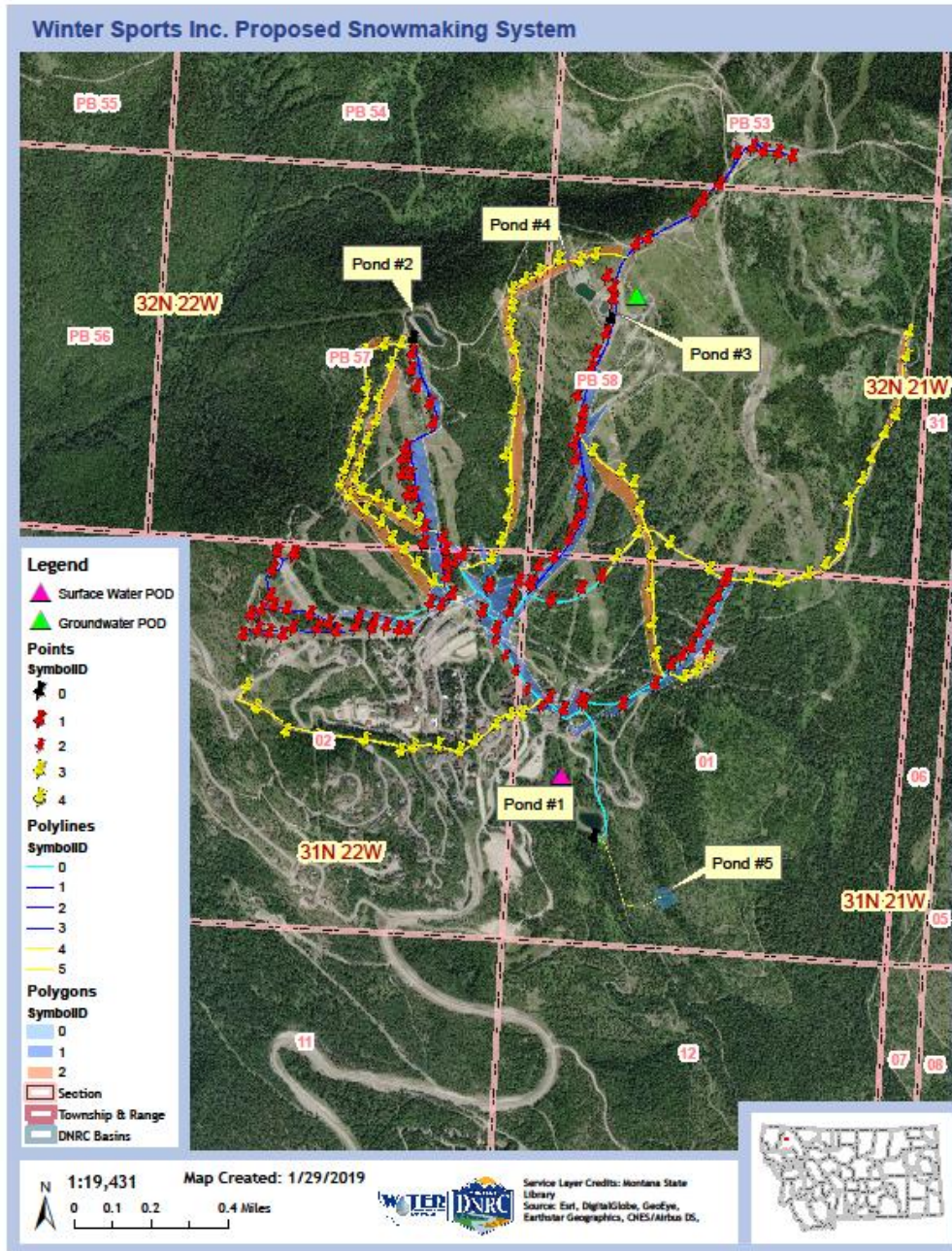
- SENWSW Section 1, Township 31N, Range 22W, Flathead County (Pond #1)
- E2SESW Section 1, Township 31N, Range 22W, Flathead County (Pond #5)
- SWNE Section 35, Township 32N, Range 22W, Flathead County (Pond #2)
- W2NW Section 36, Township 32N, Range 22W, Flathead County (Pond #3)

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

Montana Department of Fish, Wildlife, and Parks
 Montana Department of Environmental Quality
 Montana Natural Heritage Program webpage
 National Wetlands Inventory webpage
 USDA NRCS Web Soil Survey

Map 1. Map showing the proposed snowmaking system on Big Mountain



Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: No significant impact

The source of supply is an unnamed tributary to Haskill Creek, commonly referred to as Haskill #1. The Applicant is proposing to change the point of diversion, purpose, place of use, and places of storage in an effort to improve their snowmaking system and add a fishery use. Water use under the change will be limited to the maximum historical use the Applicant proved during the change process; no additional volume above that amount already proven to be used will be authorized.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: No significant impact

The source of supply has not been assessed by DEQ for water quality. Water use under the change will be limited to the maximum historical use the Applicant proved during the change process; no additional volume above that amount already proven to be used will be authorized.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: N/A, this project is for surface water.

DIVERSION WORKS - Assess whether the means of diversion, construction, and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: No significant impact

The means of diversion for the proposed project has already been completed and has been in use for over 20 years. There should be no channel impacts, flow modifications, barriers, riparian areas, dams, or additional construction associated with the proposal.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: No significant impact

The Montana Natural Heritage Program identified a list of 18 animal species of concern within the townships and range that the project is in. Of this list, the Grizzly Bear, Canada Lynx, and Bull Trout are listed as “threatened” by the US Fish & Wildlife Service. 10 plant species of concern were identified by the Montana Natural Heritage Program to potentially be in the project area, however none are listed as “threatened.” This project area has already been developed as a ski resort and has a Special Use Permit from the US Forest Service. It is not anticipated that any of the species of concern will be impacted by the proposed changes of water use. The Special Use Authorization requires that any protective and mitigative measures specified by the authorized officer shall be the responsibility of the permit holder.

Wolverine	Hoary Bat	Canada Lynx	Little Brown Myotis	Fisher
Grizzly Bear	Pileated Woodpecker	Common Loon	Brown Creeper	Evening Grosbeak
Varied Thrush	Clark’s Nutcracker	Boreal Chickadee	Pacific Wren	Westslope Cutthroat Trout
Pygmy Whitefish	Bull Trout	Sheathed Slug	Whitebark Pine	Crested Shieldfern
Beck Water-marigold	Coville Indian Paintbrush	Kalm’s Lobelia	Nagoonberry	Creeping Sedge
Giant Helleborine	Slender Cottongrass	Gray Lungwort Lichen		

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: No significant impact

The National Wetlands Inventory identified that there are multiple riverine wetlands within the proposed project area. These riverine wetland areas consist of both perennial and intermittent streams. The Special Use Permit requires that the holder shall construct permitted improvements to avoid the accumulation of excessive heads of water and to avoid encroachment on streams.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: No significant impact

The National Wetlands Inventory webpage identifies two ponds within the general project area; however, it is the understanding of the Department that these ponds are not natural and no longer exist due to modifications by the Applicant. One of the ponds was created as a fish pond, and the other was created as part of the historic surface water diversion system for domestic water use. There are no natural ponds within the project area that are known to exist.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: No significant impact

The project area has already been developed as a ski resort. The major soil types in the project area are rocky and characteristic of steep cirque basins. The Special Use Permit holder shall be responsible for prevention and control of soil erosion and gully.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No significant impact

The Applicant has a Special Use Authorization for operation on US Forest Service property and is required to revegetate disturbed areas and maintain necessary preventive measures to supplement the vegetation. The proposed water use is during the winter for snowmaking purposes and is not anticipated to result in the establishment or spread of noxious weeds.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No significant impact

There will be no impact to air quality associated with issuance of the proposed water right change.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: The Project is located Federal Lands. The Applicant has a Special Use Permit from the Flathead National Forest. The Special Use Permit requires that the holder shall immediately notify the authorized officer of any and all antiquities or other objects of historic or scientific interest. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the permit holder.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No other potential impacts have been identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: No known environmental plans or goals will be impacted by this project.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: No access will be significantly impacted by this project. This project should promote recreational activities.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: This proposed project will have no significant impact on human health.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No regulatory impacts are known.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impacts identified
- (b) Local and state tax base and tax revenues? No significant impacts identified
- (c) Existing land uses? No significant impacts identified
- (d) Quantity and distribution of employment? No significant impacts identified
- (e) Distribution and density of population and housing? No significant impacts identified
- (f) Demands for government services? No significant impacts identified
- (g) Industrial and commercial activity? No significant impacts identified
- (h) Utilities? No significant impacts identified
- (i) Transportation? No significant impacts identified
- (j) Safety? No significant impacts identified

(k) Other appropriate social and economic circumstances? No significant impacts identified

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts No significant impacts identified

Cumulative Impacts No significant impacts identified

3. Describe any mitigation/stipulation measures: None

4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:

The only alternative to the proposed action would be the no action alternative. The no action alternative would not authorize the Applicant to add fish to an existing pond, add storage ponds for their snowmaking system, or expand the area in which they make snow.

PART III. Conclusion

1. Preferred Alternative

Issue a change authorization if the Applicant proves the criteria in 85-2-402 MCA are met.

2. Comments and Responses

None

3. Finding:

Yes___ No X Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

No significant impacts related to the proposed project have been identified.

Name of person(s) responsible for preparation of EA:

Name: Nathaniel T. Ward

Title: Program Specialist-New Appropriations

Date: November 4, 2019